

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL GWYNN,

Petitioner,

v.

JEFFREY A. BEARD, et al.,

Respondents.

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CIVIL ACTION

NO. 08-5061

(THIS IS A CAPITAL CASE)

ORDER

AND NOW, this __13th__ day of January, 2021, upon consideration of the Petitioner's Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No. 5), the parties' Stipulation (ECF No. 106), and the full record in this case, **IT IS HEREBY ORDERED** as follows:

1. The parties Stipulation is **ACCEPTED** by the Court;
2. Daniel Gwynn's Petition for Writ of Habeas Corpus is **GRANTED** as to Claim I. The Court finds that Petitioner was deprived of the effective assistance of counsel at the sentencing phase of his trial based on counsel's failure to investigate, develop, and present available mitigating evidence;
3. Because the writ is granted as to Claim I, Petitioner's other claims regarding his death sentence are **DENIED** as **MOOT** and will not further be considered by the Court; and
4. Upon completion of review of Petitioner's claims challenging his convictions, this Order will be incorporated into the Court's final order with respect to these habeas corpus proceedings.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.